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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,836	12/08/2000	Edwin H. Wrench JR.	0918.0011C	1865

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EXAMINER

PYZOCHA, MICHAEL J

ART UNIT

PAPER NUMBER

2137

DATE MAILED: 02/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/731,836	<b>Applicant(s)</b> WRENCH, EDWIN H.	
	<b>Examiner</b> Michael Pyzocha	<b>Art Unit</b> 2137	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 October 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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**DETAILED ACTION**

1. Claims 1-36 are pending.
2. Amendment filed 10/26/2004 has been received and considered.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-9, 11-28, and 30-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al (US 5335276) and further in view of Bruckert et al (US 5940799).

As per claims 1, 12, 16, 20, 31 and 34, Thompson et al discloses a system for facilitating secure communications over a network, wherein said network is accessed by a network interface receiving voice signals from a user and accessing and navigating said network in accordance with said received voice signals, said system comprising: a security module to facilitate retrieval of information from said user in the form of voice

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signals and to identify security related information received by said network interface from a secure network site in response to said network interface accessing said secure network site based on voice commands from said user; a storage unit to store remote from said network interface voice and security information associated with authorized users of said system; and a security system to communicate with said security module and said storage unit and including: a verification module to verify said user as an authorized system user based on a comparison of said user voice signals with said stored voice information (see column 17 line 58 through column 18 line 29).

Thompson et al fails to disclose a retrieval module to retrieve said security information of said verified user from said storage unit and a negotiation module to negotiate communication parameters with said secure network site utilizing said retrieved security information in response to receiving said identified security information from said security module to facilitate secure communications over said network between that site and said network interface.

However, Bruckert et al teaches such a method of producing a secure connection (see column 6 lines 20-29 and column 4 lines 29-50).

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At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Bruckert et al's method of creating a secure connection to create the secure connection of Thompson et al.

Motivation to do so would have been to have a simple method of secured communication (see Bruckert et al column 6 lines 20-29).

As per claims 2, 21, 32, and 35 the modified Thompson et al and Bruckert et al system discloses the network included the Internet (see Bruckert et al column 2 lines 1-3).

As per claims 3, 22, 33 and 36, the modified Thompson et al and Bruckert et al system discloses the network interface is in communication with a communications device located remotely of said network interface, and said security module facilitates retrieval of said user voice signals from said communications device (see Thompson et al column 17 line 58 through column 18 line 29).

As per claims 4 and 23, the modified Thompson et al and Bruckert et al system discloses the communications device includes a telephone (see Thompson et al figure 1).

As per claims 4-6 and 24-25, the modified Thompson et al and Bruckert et al system discloses the communications device

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includes a computer system including a microphone (see Bruckert et al column 2 lines 45-64 and column 1 lines 53-67).

As per claims 7, 13, 17, and 26 the modified Thompson et al and Bruckert et al system discloses an identification module to identify said security related information received by said network interface from said secure network site; a communications module to facilitate communications with said security system and said network interface, wherein said communications module includes: a send module to provide said user information and said identified security information to said security system to facilitate verification of said user and negotiation of said communication parameters; a receive module to receive a request for said user information, verification results, responses to said identified security information and said negotiated communication parameters from said security system; and an interface module for providing said responses and said negotiated parameters to said network interface to facilitate secure communications over said network between said secure network site and said network interface; and a user interface module to facilitate said user information request for retrieval of said user information and to provide said verification results to said user (see Thompson et al column 17 line 58 through column 18 line 29).

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As per claims 8, 14, 18, and 27, the modified Thompson et al and Bruckert et al system discloses an identification verification module to validate identification within said user information associated with an authorized system user; an access module to retrieve said voice information from said storage unit associated with said identification; a selection module to select portions of said retrieved voice information and generate said user information request, wherein said generated request includes a request for user information corresponding to said selected portions of said retrieved voice information and wherein said verification module verifies said user by comparing said user voice signals received from said security module in response to said user information request with said stored voice information associated with an authorized user identified by said identification; and said negotiation module processes said identified security information received from said security module and generated said responses thereto with said retrieved security information to negotiate said communication parameters; and a security communications module to facilitate communications with said security module, wherein said security communications module includes; a security send module to provide said user information request, said verification results, said generated responses and said negotiated parameters

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to said security module; and a security receive module to receive said user voice signals and said identified security information from said security module (see Thompson et al column 17 line 58 through column 18 line 29 and Bruckert et al column 6 lines 20-29).

As per claims 9 and 28 the modified Thompson et al and Bruckert et al system discloses the storage unit includes a database (see Thompson et al figure 1 #24).

As per claims 11, 15, 19, and 30, the modified Thompson et al and Bruckert et al system discloses an enrollment module to retrieve voice signals from said authorized system users and process said authorized system user voice signals to produce said voice information for storage in said storage unit (see Thompson et al column 18 lines 30-57).

5. Claims 10 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Thompson et al and Bruckert et al system as applied to claims 2 and 21 above, and further in view of Barney et al (US 5341426).

As per claims 10 and 29, the modified Thompson et al and Bruckert et al system fails to disclose stored security information includes private keys and certificates of said authorized system users.



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However Barney et al teaches such cryptographic information (see column 5 lines 57-65).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Barney et al's cryptographic information in the modified voice authentication system of Thompson et al and Bruckert et al.

Motivation to do so would have been require a user to have authenticated authorization to engage in secure communications (see Barney et al column 5 lines 57-65).

#### ***Response to Arguments***

6. Based on amendments to all independent claims the rejections under 35 USC 102 have been withdrawn and replaced by the above rejections.

#### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this

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action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pyzocha whose telephone number is (571) 272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJP

A handwritten signature in black ink, appearing to read "Andrew Caldwell", with a stylized flourish at the end.

ANDREW CALDWELL  
SUPERVISORY PATENT EXAMINER